

302 KAR 20:056. Qualifications and eligibility requirements on state brucellosis indemnity payments for negative exposed cattle.

RELATES TO: KRS 257.020, 257.030, 257.110, 257.120, 257.140

STATUTORY AUTHORITY: KRS 257.030, 257.110, 257.120, 257.140

NECESSITY, FUNCTION, AND CONFORMITY: The administrative regulation is necessary to explain the conditions under which a cattle herd owner may collect state indemnity which is available only for sero negative exposed adult breeding cattle and heifer calves from within a brucellosis infected herd which are sent directly to slaughter.

Section 1. General Conditions for Eligibility. (1) The state veterinarian shall determine the eligibility of cattle (genus Bos) and bison for the payment of state indemnity funds.

(2) State indemnity funds, if available, shall be paid only for the following classes of cattle that are sent directly to slaughter and in the following amounts:

(a) Fifty (50) dollars for each adult breeding cow from a brucellosis infected herd that has been exposed to the disease and branded with a "B" brand but that has been tested negative to an approved brucellosis blood test.

(b) Thirty (30) dollars for each heifer cow from a brucellosis infected herd that has been exposed to the disease. For purposes of this section a heifer cow shall mean a female bovine or bison that has never calved.

(3) In order to be eligible, any animal on which indemnity is requested must have been in Kentucky for at least six (6) months prior to the time of the test which shall determine eligibility for state indemnity and if tested eligible must have been negative to an approved brucellosis test upon entry into Kentucky.

(4) Any animal on which a state indemnity claim is made must be properly tagged and branded within fifteen (15) days of signing of a required state depopulation agreement, sold for slaughter within fifteen (15) days of branding, and proof of slaughter obtained from meat inspection. Home slaughter by the original owner for his home consumption is allowed but proof of slaughter must be supplied. The fifteen (15) day requirement for branding, tagging and slaughter may be extended by the state veterinarian upon written request and for good cause shown.

(5) In order to be eligible for state indemnity funds pursuant to this administrative regulation a written depopulation agreement shall be signed by the owner seeking state indemnity. Authorization for depopulation and for the receipt of state indemnity shall be approved by the state veterinarian and the amount of indemnity is to be mutually agreed upon prior to signing of the agreement.

(6) The following criteria may be considered by the state veterinarian in determining which infected herds qualify for available state indemnity funds:

(a) The percentage of known reactors found in an infected herd;

(b) The clinical evidence of brucellosis infection in the herd;

(c) Culture and isolation of the brucella organism in the herd;

(d) Possibility of spread of brucellosis infection to neighboring herds;

(7) In the alternative, an animal may qualify for the state indemnity provided in this section when the animal is destroyed in compliance with an order of eradication issued pursuant to the authority of 302 KAR 20:058.

(8) In the event that an animal destroyed pursuant to an order of eradication issued under the authority of 302 KAR 20:058 fails to qualify for federal indemnity the state veterinarian may make a supplemental state indemnity payment for the animal. The supplemental indemnity payment may not exceed seventy-five (75) dollars.

Section 2. Exclusions from Eligibility for State Indemnity Payments. Indemnity shall not be paid on

the following classes of cattle:

(1) Any test eligible animal that moved into Kentucky without a negative blood test for brucellosis or without an approved health certificate and/or permit when applicable, or in violation of any health requirement for admission or in violation of any law or administrative regulation of the board.

(2) Any animal imported into Kentucky that originated from a known infected or quarantined herd, or determined otherwise to be an exposed animal.

(3) Cattle moving in trade channels in Kentucky which are owned by dealers or traders whether or not said owners are currently licensed by the department.

(4) No state indemnity funds shall be paid to an owner whose cattle are found to be in violation of any state or federal law, regulation, or agreement. (13 Ky.R. 1195; eff. 1-13-87; Am. 15 Ky.R. 275; eff. 9-28-88.)